IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B. SESHASAYANA REDDY

WRIT PETITION No: 21218 of 2004

Between:

M. Subba Rao, S/o. Late Venkanna,
Andhra Polytechnics, Kakinada, E.G.District.

..... PETITIONER

AND

1 The Government of A.P., rep. by its Secretary, Technical

Education Department, Secretariat Buildings, Hyd.
2 The Commissioner and Director of Technical Education,

Tankbund Road, BRKR Bldgs, Hyd.
3 The Principal, Andhra Polytechnic College, Kakinada,

E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Order or orders, direction or directions, writ or writs particularly one in the nature of Writ of Certiorari and call for the records pertaining to O.A.No.1268/1997, dt. 4.9.2003, on the file of A.P. Admn., Tribunal, Hyderabad and set aside the same as against the provisions of G.O.Ms.No.470, Labour, Employment, Nutrition, Technical Education(TE-II Dept) Dt. 4.7.1981, consequently direct the respondents to extend the benefit of pay scales as skilled workman in terms of G.O.Ms.No.470, Labour, Employment, Nutrition, Technical Education(TE-II Dept) dt. 4.7.1981 to the petitioner after converting the petitioner as skilled workman category from the class –IV category and to implement the revised pay scales from time to time as per the

Government revised pay scales as application to the petitioner.

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondents: GP FOR SERVICES-I

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed assailing the order, dated 04.09.2003 passed by the A.P. Administrative Tribunal in O.A.No.1268 of 1997.

2. The petitioner filed the O.A. seeking direction to the respondents, to extend the benefit of the pay scale as skilled workman in terms of G.O.Ms.No.470, LEN.& TE Department, dated 4.7.1981 on par with the employees working in Labour and Technical Education Department and for further consequential direction that his services should be converted as skilled workman category instead of Class-IV category.

3. The Tribunal after considering the matter elaborately dismissed the O.A. holding that the petitioner is not entitled for the relief as prayed for.

4. Learned counsel for the petitioner submits that the petitioner being a Class-IV employee could not hesitate the matter in the appropriate Forum, but, however, he should not make the quality of benefits extended to similar stated persons.

5. We are afraid we cannot accept the contention raised by the learned counsel.

6. The Tribunal discussed the matter in Para No.6 of its order, which reads as follows:

"As we see the facts of the case and the submissions made and also the material papers filed before this Tribunal the channel of appointment of the applicant is quite different from the channel of appointment of A.P.T.E.S.S. Rules. The applicant was appointed on daily wages and later on converted as Class-IV employee. He never questioned his conversion as Class-IV employee whereas under A.P.T.E.S.S. Rules the difference of skilled and unskilled is always maintained and the post is later redesignated as Junior Instructors. So, the method adopted under A.P.T.E.S.S. Rules cannot be considered and qualified with that of method adopted in giving class-IV employees in any of which A.P.T.E.S.S. Rules are not adopted. When once the applicant accepted his conversion to Class-IV post in which he is working without questioning same and that different to skilled to unskilled, the claim of the applicant cannot be upheld as a matter of fact when there are anomalous pay scales, it is for the executive to decide but not to judiciary which is an accepted proposition laid down by the Apex Court. In view of this, the O.A. is held as devoid of merits warranting interference by this Tribunal. In the result, the O.A. is dismissed."

7. Having given keen consideration, we are not inclined to interfere with the order of the Tribunal.

8. Accordingly, the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY, J.

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B. SESHASAYANA REDDY, J.

Date: 25.01.2005

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To

1 The Secretary, Government of A.P., Technical

Education Department, Secretariat Buildings, Hyd.
2 The Commissioner and Director of Technical Education,

Tankbund Road, BRKR Buildings, Hyd.
3 The Principal, Andhra Polytechnic College, Kakinada,

E.G.District.

4 2 CCs to G.P. for Services-I, High Court Buildings,

Hyderabad. OUT)

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CD copies.